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January 23, 2023

Via ECF

Hon. Jeremiah J. McCarthy
United States Magistrate Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Bellavia v. Orleans County, *et al.*
Civil Action No. 22-cv-842

Dear Magistrate McCarthy:

Although we believe that the Complaint as filed has sufficient allegations to support our Section 1983 complaint against Defendant Bellavia, we did, as Defendant Bellavia points out, add additional factual assertions in our Memorandum of Law opposing the Motion to Dismiss. Defendant Bellavia's counsel appears to assert that only with those allegations does the Complaint state enough to make our Section 1983 claim against Defendant Bellavia plausible. Therefore, in the utmost of caution, we will later today file a letter motion seeking to amend the Complaint by adding additional allegations.

We thought the Court should be aware of this in advance of tomorrow's oral argument.

Respectfully submitted,

/s/ Nathan D. McMurray

Nathan D. McMurray

NDM:dr

cc: William F. Savino, Esq. (via ECF)
Arthur Z. Schwartz, Esq.